

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:)
)
Amendment of Section 73.202(b),) MM Docket No.
Table of Allotments,)
FM Broadcast Stations.) RM-
(Glenwood Springs, Colorado))

ORIGINAL
FILE

TO: Chief, Allocations Branch

PETITION FOR RULEMAKING

On behalf of Gardiner Broadcast Partners, Ltd. ("Petitioner"), and pursuant to FCC Rules § 1.401, et seq., we hereby request the Commission to institute a rulemaking proceeding proposing to amend the Table of Allotments, FCC Rules § 73.202(b), to allot Channel 224A to Glenwood Springs, Colorado, as that community's second local FM service. Petitioner hereby states its intention to apply for the channel if allotted.

Enclosed is a Technical Exhibit prepared by Bromo Communications, Inc., showing that Channel 224A can be allotted to Glenwood Springs consistent with the minimum distance separation requirements of FCC Rules § 73.207(b), without imposition of a site restriction, utilizing reference coordinates 39° 33' 43" North Latitude and 107° 19' 01" West Longitude.

It should be noted that Channel 224A was formerly allotted to Glenwood Springs and was licensed to Colorado West Broadcasting, Inc., licensee of KMTS(FM). However, pursuant to a

Noted/Classified
LISA GDE

0+4

Petition for Rulemaking filed by KMTS, FM Channel 255C2 was substituted for Channel 224A in MM Docket No. 87-174. On reconsideration, Channel 256C2 was allotted to Glenwood Springs in lieu of Channel 255C2 to avoid a shortspacing with KKMKG(FM) in Pueblo, Colorado. A construction permit for Channel 256C2 was granted to KMTS on February 15, 1989, FCC File No. BPH-880406IC. That permit expired August 18, 1990. On October 25, 1990, the Commission reinstated the expired construction permit, giving KMTS until April 25, 1991 to construct its new facilities.^{1/} Apparently, those facilities were never constructed, nor did KMTS seek a timely extension or reinstatement of that construction permit. Accordingly, the construction permit was forfeited and cancelled by the Commission on August 24, 1992.

Since Channel 224A has been deleted from the Table of Allotments pursuant to MM Docket No. 87-174 and since, according to Commission staff, KMTS has no authority to continue operation on this channel, Petitioner hereby requests that the Table of Allotments be amended to add that channel as a second FM channel in Glenwood Springs. Alternatively, should KMTS obtain Commission authorization to continue operation on Channel 224A,

^{1/} Pursuant to MM Docket No. 88-375, the allotment was downgraded to Channel 256C3 since KMTS had not specified the minimum facilities for a Class C2 station in its application.

Petitioner hereby states its intention to apply for a new FM station on the existing allotment for Channel 256C3 in Glenwood Springs.

Respectfully submitted,

GARDINER BROADCAST PARTNERS, LTD.

By: 
David M. Silverman

COLE, RAYWID & BRAVERMAN
1919 Pennsylvania Ave., N.W.
Suite 200
Washington, D.C. 20006
(202) 659-9750

Its Attorneys

September 18, 1992

PETITION FOR RULE MAKING
GARDINER BROADCAST PARTNERS, LTD
ALLOT CHANNEL 224A
GLENWOOD SPRINGS, COLORADO
September 1992

Technical Exhibit
TE-1

Bromo Communications, Inc.
P.O. Box M - 1331 Ocean Boulevard, Suite 201
St. Simons Island, Georgia 31522
(912) 638-5608

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PETITION FOR RULE MAKING
GARDINER BROADCAST PARTNERS, LTD
ALLOT CHANNEL 224A
GLENWOOD SPRINGS, COLORADO
September 1992

TECHNICAL STATEMENT

1. This technical statement and attached exhibits were prepared on behalf of Gardiner Broadcast Partners, LTD, ("GBP"). GBP seeks to allot Channel 224A to Glenwood Springs, Colorado, as that community's second local FM channel.

BACKGROUND

2. Presently, Colorado West Broadcasting, Inc. ("CWB"), licensee of KMTS, Glenwood Springs, Colorado, is operating on Channel 224A. However, CWB was ordered to change to Channel 256C2 in MM Docket #87-174. On April 6, 1988, CWB filed an application seeking authority to make changes in the facilities of KMTS, including changing to Channel 256C2.

3. Subsequent to the filing of the application, the Commission authorized the creation of a new Class of FM station, Class C3, in MM Docket #88-375. The CWB application for KMTS specified less than maximum C2 facilities. Therefore, the proposed Class of the station was downgraded

to C3. CWB still holds an outstanding construction permit for Channel 256C3 at Glenwood Springs. According to §73.202(b) of the Commission's rules, Channel 224A is no longer allotted to Glenwood Springs, Colorado.

DISCUSSION

4. Glenwood Springs, an incorporated community located in Garfield County, Colorado, has a population of 6,561 persons ¹. Glenwood Springs population has grown by nearly two thousand persons since the 1980 census. The community presently has one other licensed FM station, KMTS, and one AM station, KGLN, 980 kHz.

5. The allotment of Channel 224A will provide Glenwood Springs with its second FM station. Channel 224A, as demonstrated below, can be operated in Glenwood Springs as a 6.0 kilowatt Class A facility.

PROPOSAL

6. Channel 224A can be allotted to Glenwood Springs, Colorado, without the imposition of a site restriction. However, GBP requests the allocation be made at a readily

available site. Glenwood Springs is located in a valley where the Colorado River (flowing generally east to west) and Roaring Fork River (flowing generally south to north) converge. As such, portions of Glenwood Springs and areas just outside the community boundaries have built up near both rivers, with some terrain interventions between portions of these areas. GBP has selected a potentially available site which provides line-of-sight into both parts of the community, thus insuring that a city grade level of service is provided to all of Glenwood Springs.

7. GBP requests that Channel 224A be allotted to Glenwood Springs at Reference Coordinates North Latitude 39° 33' 43" and West Longitude 107° 19' 01". Attached, as Exhibit #1, is a detailed usable area map, for Channel 224A at Glenwood Springs, Colorado, which visually demonstrates where a transmitter site could be located.

8. Exhibit #2 is an allocation analysis for Channel 224A demonstrating that the channel meets current §73.207(b)(1) spacing requirements to all Commission authorized, applied for or proposed facilities. ² From this location, a 3.16 mV/m contour will be placed over all

2 With the exception of KMTS, Channel 224A, Glenwood Springs, Colorado. KMTS was ordered to Channel 258C2, MM Docket #87-174. See Background, above, for details.

of Glenwood Springs. It should be noted that the utilization of this channel in Glenwood Springs will not displace any authorized FM translators in the area of Glenwood Springs.

9. Gardiner Broadcast Partners, LTD, therefore, requests the following change to the Commission's table of FM allotments, §73.202(b):

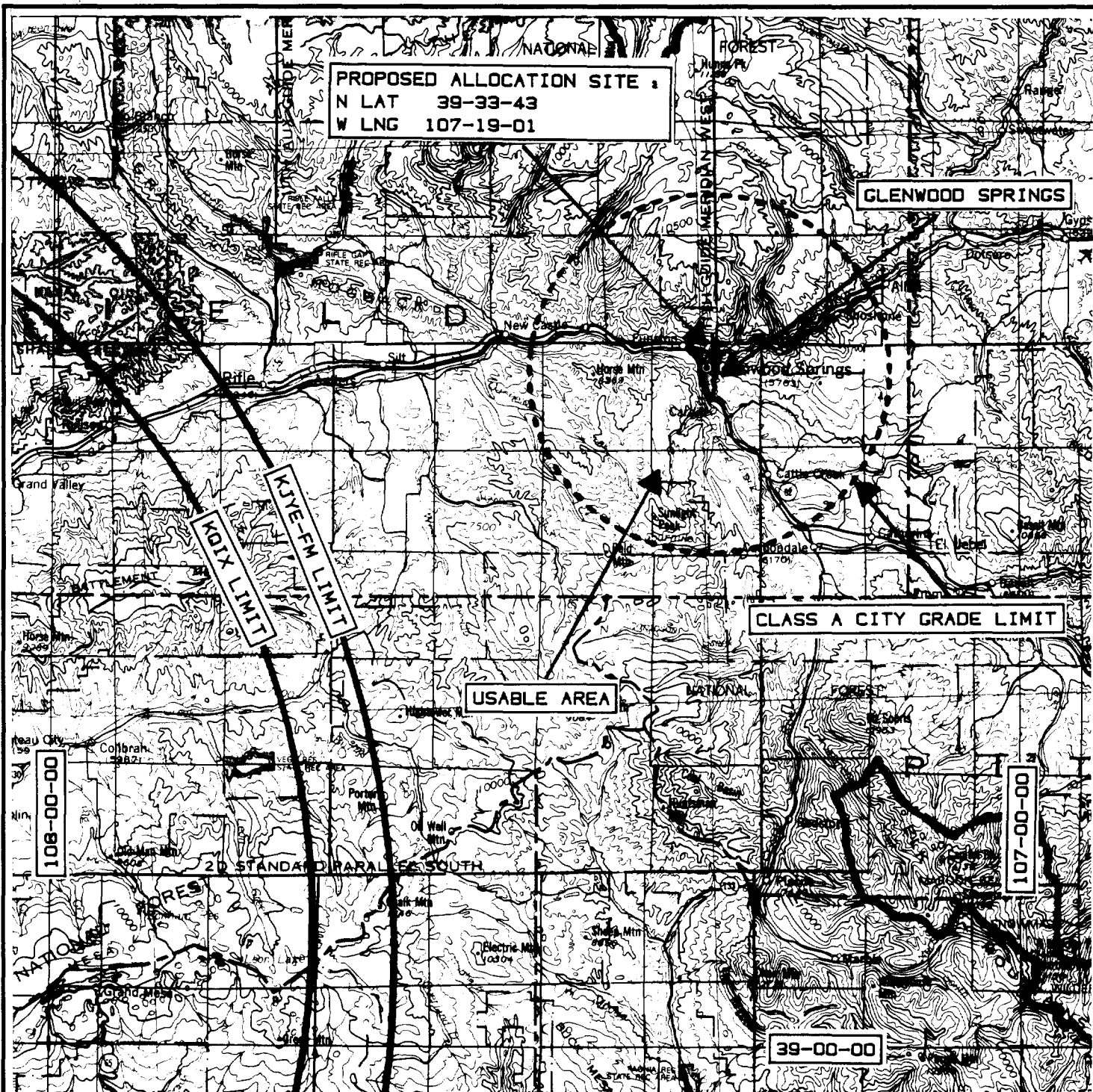
Glenwood Springs, Colorado

Present
256C2 3

Proposed
224A, 256C2 3

10. When allotted, Gardiner Broadcast Partners, LTD, will, on a timely basis, file an application for construction permit, seeking authority to build a new FM station on Channel 224A at Glenwood Springs, Colorado.

11. This technical statement and attached exhibits were prepared on behalf of Gardiner Broadcast Partners, LTD, by Bromo Communications Inc., its Technical Consultants. All the information contained herein is true and accurate to the best of our belief and knowledge. Should questions arise during consideration of this proposal, we would welcome the opportunity to discuss the matter by phone at (912) 638-5608.



USABLE AREA CHANNEL 224A

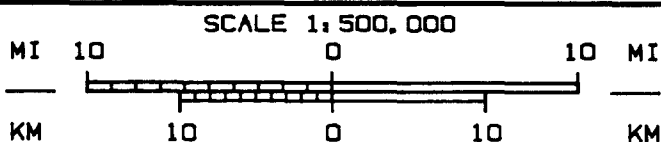
MAP IS A PORTION OF THE 1:500,000 SCALE
U.S.G.S. BASE MAP OF COLORADO.

MAP ASSUMES THAT KMTS IS OPERATING ON
CHANNEL 256 AT GLENWOOD SPRINGS.

EXHIBIT #1

PETITION FOR RULE MAKING
GARDINER B'CAST PTNER. LTD
ALLOT CHANNEL 224A
GLENWOOD SPRINGS, COLORADO

September 1992



BROMO
COMMUNICATIONS

BROADCAST
TECHNICAL CONSULTANTS

St Simons Island, Georgia

Washington, D.C.

**ALLOCATION STUDY FOR GLENWOOD SPRINGS, COLORADO
USING PROPOSED ALLOCATION SITE AS REFERENCE**

REFERENCE 39 33 43 N 107 19 01 W	CLASS A Current rules spacings CHANNEL 224 - 92.7 MHz	DISPLAY DATES DATA 07-30-92 SEARCH 09-01-19
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CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-M1	R-KM R-M1	MARGIN (KM)
KJYEFM LI CN	222C 39 04 00	Grand Junction 108 44 41	CO 100.000 kW	245.9 420M	134.86 83.8	95.0 59.0	39.86
	M B C Grand Broadcasting, Inc				BLH891219KD		
KQIX LI CN	226C1 39 05 35	Grand Junction 108 35 51	CO 100.000 kW	244.8 -29M	122.07 75.9	75.0 46.6	47.07
	Airwaves Communications, Inc.				BLH890417KB		
KSPZ LI CY	225C 38 44 44	Colorado Springs 104 51 39	CO 72.000 kW	113.1 649M	230.84 143.5	165.0 102.6	65.84
	PCC of Colorado, Inc.				BLH850207LW		
>WAIVER OF MINIMUM POWER GRANTED FOR CLASS C							
KYSL LI CN	221A 39 33 22	Frisco 106 06 53	CO 0.290 kW	90.4 321M	103.32 64.2	31.0 19.3	72.32
	Krystal Broadcasting, Inc.				BLH880602KA		
KYSL.A AP CN	221A 39 33 22	Frisco 106 06 53	CO 0.530 kW	90.4 324M	103.32 64.2	31.0 19.3	72.32
	Krystal Broadcasting, Inc.				BPH891002II		
DE221 DE	221A 39 33 22	Frisco 106 06 53	CO 0.000 kW	90.4 0M	103.32 64.2	31.0 19.3	72.32
	Century Broadcasting Corporat						
KDHT LI DCN	223C1 40 05 47	Greeley 104 54 04	CO 57.000 kW	74.0 377M	215.16 133.7	133.0 82.7	82.16
	APB Broadcasting, Inc.				BLH890405KA		

ALLOCATION ANALYSIS

ANALYSIS ASSUMES KMTS OPERATING ON
CHANNEL 256 AT GLENWOOD SPRINGS.

EXHIBIT #2

PETITION FOR RULE MAKING
GARDINER B'CAST PTNER, LTD
ALLOT CHANNEL 224A
GLENWOOD SPRINGS, COLORADO

September 1992

BROMO
COMMUNICATIONS
BROADCAST TECHNICAL CONSULTANTS
St Simons Island, Georgia Washington, D.C.

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

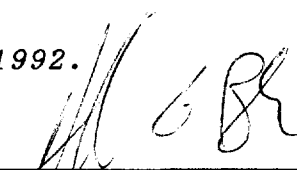
State of Georgia)
St. Simons Island)
County of Glynn) ss:

JEFFERSON G. BROCK being duly sworn, deposes and says that he is an officer of Bromo Communications, Inc. Bromo has been engaged by Gardiner Broadcast Partners, LTD, Petitioner, to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

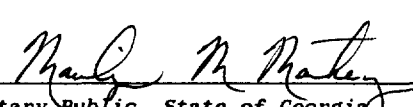
The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 1st day of September, 1992.



Jefferson G. Brock
Affiant

Sworn to and subscribed before
me this the 1st day of September, 1992.



Notary Public, State of Georgia
My Commission Expires: September 8, 1995